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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

REPUBLICAN NATIONAL COMMITTEE,  
NEVADA REPUBLICAN PARTY, and SCOTT  
JOHNSTON,

Plaintiffs,

v.

FRANCISCO AGUILAR, *in his official capacity as  
Nevada Secretary of State*; LORENA PORTILLO, *in  
her official capacity as the Registrar of Voters for Clark  
County*; WILLIAM "SCOTT" HOEN, AMY  
BURGANS, STACI LINDBERG, and JIM  
HINDLE, *in their official capacities as County Clerks*,

Defendants.

No. 2:24-CV-00518

**STIPULATION AND  
PROPOSED ORDER TO  
STAY DISCOVERY  
(First Request)**

1 This is the first stipulation to stay the requirement to file a discovery plan and  
2 scheduling order pending the Court's resolution of the pending motions to dismiss.  
3 Plaintiffs (the Republican National Committee, Nevada Republican Party, and Scott  
4 Johnston) and Defendants (Francisco Aguilar; Lorena Portillo; William "Scott" Hoen;  
5 Amy Burgans; Staci Lindberg; and Jim Hindle) stipulate as follows:

6 1. On April 15, 2024, Defendant Francisco Aguilar filed his Motion to  
7 Dismiss, ECF 26. The other defendants joined the motion. *See* ECF 27, 28, 30, 31, 38.

8 2. The original deadline for the parties to submit a stipulated discovery plan  
9 and scheduling order was May 30, 2024. *See* ECF 26; LR 26-1.

10 3. Over the last several weeks, the parties have been conferring over several  
11 scheduling issues, including this request to stay discovery pending the Court's resolution  
12 of the motion to dismiss. The parties were nearing agreement, and on May 30 requested  
13 an additional two weeks to confer.

14 4. The Court granted the motion and ordered the parties to file their joint  
15 discovery plan and scheduling order by June 13, 2024. *See* ECF 82.

16 5. The parties have conferred about the remaining issues and stipulate that  
17 discovery in this matter be stayed until the Court resolves the Defendants' motions to  
18 dismiss (ECF 26, 27, 28, 30, 31, 38).

19 6. The parties agree it is in the best interest of all parties to await the Court's  
20 ruling on the motions to dismiss prior to setting discovery deadlines and incurring the  
21 time and expense of written discovery and depositions.

22 7. "[A] district court has wide discretion in controlling discovery." *Little v.*  
23 *City of Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). When deciding whether to stay discovery,  
24 a court is guided by Federal Rule of Civil Procedure 1, which ensures a "just, speedy,

1 and inexpensive determination of every action.” *Schrader v. Wynn Las Vegas, LLC*, 2021  
2 WL 4810324, \*3 (D. Nev. Oct. 14, 2021) (quoting FRCP 1); *see also Tradebay, LLC v.*  
3 *eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). And Rule 12(b)(6) “is designed ‘to enable  
4 defendants to challenge the legal sufficiency of complaints without subjecting  
5 themselves to discovery,’ the cost of which can be ‘prohibitive.’” *City of Oakland v. BP*  
6 *PLC*, 969 F.3d 895, 910 (9th Cir. 2020) (quoting *Rutman Wine Co. v. E. & J. Gallo Winery*,  
7 829 F.2d 729, 738 (9th Cir. 1987)).

8       8. The parties agree that discovery is not required for the Court to decide  
9 Defendants’ motions to dismiss. As the Court’s ruling could potentially narrow the case,  
10 it would be an inefficient use of resources to engage in discovery prior to the Court’s  
11 ruling. *See Sibley v. U.S. Sup. Ct.*, 786 F. Supp. 2d 338, 346 (D.D.C. 2011).

12       9. The parties believe that, by not expending more funds or time until the  
13 motion to dismiss is resolved, the parties have put themselves in the best position  
14 possible to preserve resources and protect their respective funds. *See* Fed. R. Civ. P. 1  
15 and LR 1-1. The interests of litigation efficiency and judicial economy are also promoted  
16 by a stay of discovery.

17       7. In the event that the Court denies the motions, the parties further stipulate to  
18 file the stipulated discovery plan and discovery order no later than thirty days after this  
19 Court rules on Defendants’ motions to dismiss (ECF 26, 27, 28, 30, 31, 38).

Dated: June 13, 2024

Respectfully submitted,

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9 *Counsel for Amy Burgans*

10 **ORDER**

11 **IT IS SO ORDERED.**

12 \_\_\_\_\_  
13 UNITED STATES DISTRICT JUDGE

14 DATED: \_\_\_\_\_  
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